REMARKS

By way of this Amendment, claims 1-9, 12, 16-22 and 27-34 have been cancelled without prejudice to their future prosecution. Claims 10, 11, 13, 23-26 and 35 are presently pending. Reconsideration and reexamination of the pending claims are respectfully requested.

I. Interview Summary

On April 25, 2006, a phone interview was conducted between Examiner Rowan and the Undersigned. During the course of the interview, independent claims 10, 12 and 23 were discussed in view of the prior art. No specific agreement was reached with respect to the claims.

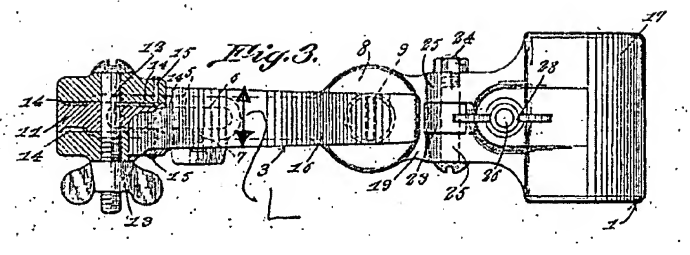
II. Arguments for Patentability

A. Claims 10, 11 and 13 are Allowable

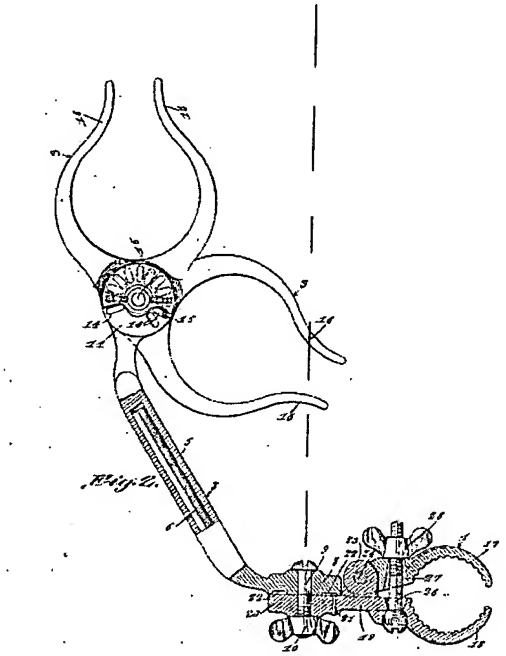
Claims 10, 11 and 13 were rejected under 35 U.S.C. §102(b) as being anticipated by U.S. Patent No. 2,146,350 to Roberts. For at least the reasons specified in the following paragraph, this rejection is respectfully traversed.

Claim 10 requires the length of the forearm receiving member to extend radially outward from the pivot axis and also specifies that the length of the channel extends between open front and rear ends of the forearm receiving member. In rejecting claim 10, the Examiner interpreted the length of the cradle of Roberts as the "distance along the curve of the arm in the plane of the paper." This is not the same length specified in claim 10 because it does not extend between the open front and back ends of the cradle 3.

As described in Applicant's response of January 19, 2006, the clamp 3 of Roberts has a length L (see Figure 3 of Roberts, reproduced below where "L" has been added for explanation purposes) that extends between open front and back ends of the clamp 3. However, this length clearly does not extend generally radially outwardly from the pivot axis as required by claim 10.



For at least the above reasons, it is submitted that claim 10, as well as claims 11 and 13 that depend from claim 10, are not anticipated by Roberts and withdrawal of this rejection is respectfully requested. Additionally, claim 13 further provides that the "forearm receiving member inclines relative to the coupler as the arm cradle extends from the front end to the back end." This clearly is not present in the device of Roberts. For example, as shown below in Figure 2 of Roberts (where the clamp has been pivoted upwardly so as to show an open top side as required by claim 10), it can be seen that the clamp 3 of Roberts in no way inclines relative to the coupler as it extends from the open front to the open back of the clamp. This provides another reason why claim 13 is not anticipated by Roberts and withdrawal of the rejection of claim 13 is respectfully requested.



B. Claims 23-26 and 35 are Allowable

Claims 23-26 and 35 were rejected under 35 U.S.C. §103(a) as being unpatentable over Perry in view of Roberts. For the reasons, specified below, this rejection is respectfully traversed.

Claim 23 relates to an arm support device for use with an elongated item having a handle. The arm support device includes a handle coupler defining a pivot shaft opening. The arm support device also includes an arm cradle that defines an upwardly facing channel having an open top side. A pivot pin is positioned at the front end of the arm cradle. The pivot pin includes a pivot shaft portion defining a pivot axis about which the arm cradle pivots. The pivot shaft portion extends downwardly relative to the arm cradle such that the pivot axis extends generally in an upward/downward direction. The pivot shaft portion is pivotally received within the pivot shaft opening of the coupler. The length of the channel of the arm cradle extends generally radially outwardly from the pivot axis.

The combination of features recited by claim 23 results in an arm support device that supports a person's forearm and also allows the person to laterally change the angle of their forearm relative to the elongated item by bending their wrist. This type of pivotal movement is shown at Figure 2 of the present application.

U.S. Patent No. 5,212,900 to Perry discloses a substantially different type of support device. The device of Perry is specifically designed to stabilize a person's forearm relative to a fishing pole 42 so that the forearm is held in a parallel relation relative to the pole 42. For example, as shown at Figure 1 of Perry, when the stabilizing device of Perry is used, the person's hand 46 and a fixture 100 positioned at the back end of the brace 52 cooperate to prevent the person's forearm from angling laterally away from the rod 42. The intent is for the rod 42 to be supported and braced as if it were an extension of the person's forearm by keeping the forearm and the pole 42 parallel to one another. The only pivotal movement provided in the device of Perry is about a horizontal pivot axis defined by hinge 90. This pivotal action allows the upper brace 54 to pivot about the horizontal axis relative to the lower brace 52. This allows the user's

arm to bend at the elbow to allow the forearm 24 to be moved toward and away from the upper arm 26.

In the Office Action of April 4, 2006, the Examiner acknowledged that Perry failed to disclose a pivot pin 96 that extended in an upward/downward direction. However, the Examiner asserted that it would have been obvious to change the orientation of the pivot pin 96 to the vertical orientation as shown by Roberts "so that the upper portion would be connected to the arm cradle and the lower portion received within the pivot pin opening of the handle coupler 100 noting that merely arranging the location of the parts is contemplated." There is absolutely no suggestion or motivation for this modification.

In Perry, the side walls of the lower brace 52 overlap the sidewalls of the upper brace 54. The pins 96 are horizontally aligned so that the pins 96 extend through the side walls of the lower and upper braces 52, 54 to provide a pivotal connection between the cradles. The pivotal connection is specifically designed to allow the user's forearm 24 to flex toward and away from the upper arm 26 when the support device is in use. If the orientation of the pins 96 were to be modified to a vertical position as suggested by the Examiner, the pins 96 could not he used to extend through the overlapping side walls of the braces 52, 54 to interconnect the braces 52, 54. Additionally, if the pins 96 were to be positioned vertically, they would no longer allow the user's forearm 24 to flex toward and away from the upper arm 26 when the support device is in use.

Moreover, the device disclosed in Roberts is adapted to support an angler's forearm at an angle relative to the fishing pole (see Fig. 1 of Roberts). The bolt 9 allows the arm 2 to be adjusted so that the clamp 3 engages the angler immediately below the elbow to support the angler's forearm at an angled position relative to the pole. As described above, the focus of Perry is to provide a support that holds a person's forearm generally parallel to the fishing pole. Thus, Perry teaches away from supporting a forearm at an angled position relative to the pole. This being the case, one of skill in the art would not be motivated to modify the device of Perry to include the bolt 9 of Roberts.

In view of the above, the modifications suggested by the Examiner are significantly more than a mere "rearranging of the location of the parts." Instead, the changes would completely alter the intended operation of the device and would be contrary to a clear teaching of the Perry reference regarding the desirability of maintaining parallelism between the brace 52 and the pole 40. In view of the above, it is submitted that one of skill in the art would not be motivated to modify Perry as suggested by the Examiner. Therefore, withdrawal of the rejection of claim 23 is respectfully requested. Additionally, claims 24-26 and 35 depend from claim 23. Hence, withdrawal of the rejection of these claims is also respectfully requested.

Claim 35 depends from claim 23 and further provides that the pivot pin includes "an upper end portion positioned at the bottom base portion of the arm cradle and a lower end portion defining the pivot shaft portion of the pivot pin." Claim 35 also provides that the upper end portion of the pivot pin "is aligned at an obtuse angle relative to the lower end portion of the pivot pin." In contrast, the pins 96 of Perry appear to have no bend whatsoever. Therefore, even if they were changed in orientation as suggested by the Examiner, they still would not define an obtuse angle as claimed. Furthermore, regardless of their orientation, the pins 96 do not have upper portions positioned at a bottom base portion of a cradle or lower portions defining pivot portions that are pivotally received in a pivot shaft opening of the coupler. The above reasons further support Applicant's position that the rejection of claim 35 should be withdrawn.

III. Conclusion

In view of the above amendments and remarks, it is submitted that the present application is currently in immediate condition for allowance, and notification to that effect is respectfully requested. Please direct any inquires concerning the present application to the undersigned attorney at 612.336.4617.

Respectfully submitted,

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